

file

339532



Request for Immediate Removal Action

Initial Information Submittal per Fred Rubel

1. Site Name and Location

→ Duane Marine Salvage Corp.
26 Washington Street (Corner of High Street)
Perth Amboy City, Middlesex County, New Jersey

2. Name of State Contact

Anthony J. Farro, Chief
Bureau of Site Management
Hazardous Site Mitigation Administration
Division of Waste Management
NJ Department of Environmental Protection
CN 028
8 East Hanover Street
Trenton, NJ 08625
(609) 984-2990

3. History/Status of Enforcement Action(s)

This property was the site of a major chemical fire on 7/7/80. Prior to that event, litigation charging improper and unauthorized hazardous waste operations was begun in 1979. Repeated DEP notices were ignored by the owners and in June, 1981 New Jersey Spill Fund monies were used to secure the site. Vandalism since that time and continued deterioration have returned the situation to its initial post-fire hazard.

4. Type of Activity Suggested for Immediate Removal

While in similar circumstances it would appear sufficient to simply secure the site, such action was previously taken and repeated vandalism has resulted in free access, further deterioration of containers and a strong likelihood of additional waste dumping. It will, therefore, be necessary to remove all contaminated materials and objects permanently.

5. Estimated Cost for Activity and Rationale for Cost Estimate Development

To be determined by the contractor upon selection.

6. Estimated Date of Remedial Action If Not Done as a Removal - 1st Quarter of CY87

7. Why State/Responsible Party Cannot Handle in a Timely Manner

This site was rejected as a candidate for the National Priorities List due to an artificially low score inherent to HRS treatment of urban areas. It has not yet been scheduled within the New Jersey Management Plan and it is, therefore, not expected to be addressed until 1987.

8. Immediate and Significant Risk of Harm to Human Life or Health or to the Environment

This property is located in a heavily-populated and densely-industrialized area. There is evidence of frequent trespass, resulting in a significant risk to human life and health due to the volatility and toxicity of the materials. Runoff from the site travels to the Arthur Kill, a navigable waterway and the property is suspected as a contributor to the wide-spread PCB problem in Perth Amboy which poses a direct threat to a large number of residents.

9. Where Project May Approach or Exceed Six Months and/or One Million Dollars, What Commitment Will the State Make to Complete the Work?

The State of New Jersey is wholly committed to completion of this project and will supply whatever resources are necessary beyond the above-established limits to finish the task.

10. Who in DEP is Requesting this Action?

Robert E. Hughey, Commissioner
New Jersey Department of Environmental Protection

11. Attached Documentation

- a. Analytical results of samples taken throughout the site
- b. Map of site location
- c. Memorandum on site deterioration

MEMO**NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION**TO Edwin LiuFROM Joe ButtichDATE March 5, 1982SUBJECT Duane Marine Corporation, Washington and Front Streets,
Perth Amboy, New Jersey DHM #81-3-30-10I. Purpose of Report:

At your request the following is a list of all analytical data received from the above subject location by the Division of Hazard Management, Bureau of Technical Services.

II. Discussion - Section One

On 6/12/81, Joe Buttich, Scott Santora and Joe Goliszewski traveled to Perth Amboy to take samples at the Duane Marine Fire site. The samples were taken at various locations on the property, a list of the locations and results are as follows:

Sample #	Location	Parameter	Analytical Results from <u>Princeton Aqua Science</u>
C-41960	Large Green Storage Tanker	Volatile Organics PCB's	Volatile Organics/ppm
Correspond to Stablex-Reutter C-27665 C-27666 C-27667			Bromoform 1730 Dichlorobromomethane 516 Ethylbenzene 2860 Tetrachloroethylene 1550 Trichloroethylene 300 Total-Xylene 5000 PCB's/1254 176 ✓
C-41961	White 300 Barrel Tank #1	Volatile Organics PCB's	Volatile Organics
Correspond to Stablex-Reutter C-27661			Bromoform 152 Dichlorobromoethane 119 Ethylbenzene 76 Toluene 147 Total-Xylene 586 PCB/1254 8 1,1,1 - Trichloroethane 27 1,2 - Dichloroethane 3. Trichloroethylene 4.
C-41962	White 300 Barrel Tank #2	Volatile Organics PCB's	Volatile Organics

continued . . .

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<u>Sample #</u>	<u>Location</u>	<u>Parameter</u>	<u>Analytical Results from Princeton Aqua Science</u>
Correspond to Stablex-Reutter C-27660			Bromoform 30 Chlorobenzene 13.8 Ethylbenzene 49 Toluene 59 Total-Xylene 53.4 PCB/1254 156
C-41963	Tanker #120 NJSWA 1177AQS	Volatile Organics PCB's	Volatile Organics
Correspond to Stablex-Reutter C-27664			Chlorobenzene 6.0 1,2 - Dichloroethane 4.2 1,2 - Dichloropropane 4.5 Ethylbenzene 1130 Trichloroethane 16 Toluene 1630 Total-Xylene 2720 PCB/1254 769
C-41964	Tank #1	Volatile Organics PCB's	Volatile Organics
Correspond to Stablex-Reutter C-27657			Bromoform 3840 1,2 - Dichloroethane 358 Ethylbenzene 2650 1,1,2,2 - Tetrachlorethane 282 1,1,2 - Trichbroethane 623 Trichloroethene 10000 Toluene 3860 Dichlorobromomethane 11200 Total-Xylene 5120
C-41965	Tank #2	Volatile Organics PCB's	Volatile Organics
Correspond to Stablex-Reutter C-27658			Bromoform 770 1,2 - Dichloroethane 29 Ethylbenzene 230 1,1,2,2 - Tetrachloroethane 70 Trichloroethene 60 Toluene 930 Dichlorobromomethane 470 Total-Xylene 852

continued . . .

<u>Sample #</u>	<u>Location</u>	<u>Parameter</u>	<u>Analytical Results from Princeton Aqua Science</u>	
C-41966	Tank #3	Volatile Organics PCB's	Volatile Organics	
Correspond to Stablex-Reutter C-27659			Bromoform	3550
			1,2 - Dichloroethane	550
			Ethylbenzene	1810
			1,1,1 - Trichloroethane	1050
			Trichloroethene	600
			Toluene	7210
			Dichlorobromomethane	4800
			Total-Xylene	1770
			PCB/1254	195
C-41967	Red Tanker Approximately 5000 gallons	Volatile Organics PCB's	Volatile Organics	
Correspond to Stablex-Reutter C-27656			1,2 - Dichloroethane	162
			Trans-1,2 - Dichloroethane	294
			Ethylbenzene	1590
			1,1,2,2 - Tetrachloroethane	300
			Trichloroethene	370
			Toluene	240
			Total-Xylene	2738
			PCB/1254	60
C-41968	Roll-off Tanker	Volatile Organics PCB's	Volatile Organics	
Correspond to Stablex-Reutter C-27655			Bromoform	2510
			Chlorobenzene	7
			1,2 - Dichloroethane	162
			Trans-1,2 - Dichloroethane	294
			Ethylbenzene	1590
			1,1,2,2 - Tetrachloroethane	300
			Trichloroethene	370
			Toluene	240
			Dichlorobromomethane	1100
			Total-Xylene	2738
			PCB/1254	60

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<u>Sample #</u>	<u>Location</u>	<u>Parameter</u>	<u>Analytical Results from Princeton Aqua Science</u>	
C-41970	White Tanker	Volatile Organics PCB's	Volatile Organics	
Correspond to Stablex-Reutter C-27652 C-27653 C-27654			Bromoform	1640
			1,2 - Dichloroethane	1580
			Ethylbenzene	586
			1,1,2,2 - Tetrachloroethane	613
			Tetrachloroethene	770
			Toluene	189
			Dichlorobromomethane	3820
			Total-Xylene	2310
C-41971	Red Tanker	Volatile Organics PCB's	Volatile Organics	
Corresponds to Stablex-Reutter C-27651			Bromoform	534
			Chloroform	411
			1,2 - Dichloroethane	35
			1,2 - Dichloropropane	1480
			Tetrachloroethene	5380
			Trans-1,2 - Dichloroethylene	77.4
			Total-Xylene	6120
			PCB/1254	292

Section Two

Analytical results of samples taken by Joe Buttich and Steve Borgianini on 8/11-12/81 at the Duane Marine site and analyzed by the Stablex-Reutter Laboratory in Camden, New Jersey for Polychlorinated Biphenyls. The results of the analysis are as follows:

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27651 (Tank #1)	Red Tanker	Dip Sample	Stablex-Reutter	8/11/81 1020 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
14 ppm GS-HSD	9 ppm	1221 ?

contined . . .

<u>Sample</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27652	White	Dip Sample	Stablex-Reutter	8/11/81 Rear 1100 hrs.
C-27653	Tanker			Mid. 1110 hrs.
C-27654 (Tank #3)	Plate # TN-1076			Fr. 1115 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
5.1 ppm rear	8 ppm	1221
34 ppm mid	45 ppm	1221
6.3 ppm frt.	10 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27655 (Tanker #4)	White Roll- Off Tanker	Coliswa	Stablex-Reutter	8/11/81 1155 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
7.8 ppm GC-HSD	12 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
-27656 'ank #5)	Red Tanker Plate # TX-2795	Coliswa	Stablex-Reutter	8/11/81 1155 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
1 ppm GC-HSD	1 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
7657 nk #6)	Tank #1 of 3 Horizontal	Coliswa	Stablex-Reutter	8/11/81 1205 hrs.

continued

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
1.7 ppm GC-HSD	8 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27658 (Tank #7)	Tank #2 of 3 Horizontal	Coliswa	Stablex-Reutter	8/11/81 1225 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
1 ppm GC-HSD	1 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27659 (Tank #8)	Tank #3 of 3 Horizontal	Dip Sample	Stablex-Reutter	8/11/81 1235 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
4.3 ppm GC-HSD	10 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27662 (Tank #9)	Small Tank #9	Thief Sample	Stablex-Reutter	8/11/81 1300 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
<1 ppm GS-HSD	<1 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27663 (Tank #10)	Small Tank #10	Thief Sample	Stablex-Reutter	8/11/81 1305 hrs.

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<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
11 ppm GC-HSD	15 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27664 (Tanker #11)	Black Tanker NJSWA 1177AQS	Thief Sample	Stablex-Reutter	8/11/81 1315 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
< 1 ppm GS-HSD	< 1 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27661 (Tank #12)	White 300 Barrel Tank	Thief Sample	Stablex-Reutter	8/11/81 1250 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
< 1 ppm GC-HSD	< 1 ppm	1221

<u>Sample #</u>	<u>Sample Location</u>	<u>Sampling Method</u>	<u>Analyzing Laboratory</u>	<u>Date/Time</u>
C-27660 (Tank #13)	Vat Closest to Fence 2nd White	Thief Sample	Stablex-Reutter	8/11/81 1245 hrs.

<u>Results Obtained</u>	<u>Confirmed Results</u>	<u>PCB Type</u>
< 1 ppm GC-HSD	< 1 ppm	1221

continued . . .

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Sample #	Sample Location	Sampling Method	Analyzing Laboratory	Date/Time
C-27665	Large Green	Dip Sample	Stablex-Reutter	8/11/81 Top-1350 hrs.
C-27666	Storage	and Kemmerer		Mid.-0945 hrs.
C-27667	Tank	Sampler		Bot.-0955 hrs.
(Tank #14)				Mid & Bot. taken on 8/12/81

Results Obtained	Confirmed Results	PCB Type
100 ppm Top	110 ppm	1216
9.3 ppm Mid.	9.0 ppm	1221
120 ppm Bot.	140 ppm	1216
GC-HSD		

Section Three

The following results are from samples taken on 9/2/81 from the six roll-off dumpsters located on the Duane Marine Property. The samples were taken by Joe Buttich and Steve Borgianini and submitted to the Stablex-Reutter Laboratory for analysis.

Sample #	Location	Parameter	Sampling Method	Results (ppm)
C-41876	Roll-off R-1	Priority Pollutants	Clean Trowel	Benzene 500
				Toluene 2100
				Ethyl Benzene 3700
				Total-Xylene 19000
				Arsenic .083
				Chromium 63
				Copper 34
				Lead 290
				Nickel 9.1
				Selenium .03
				Zinc 46
C-41877	Roll-off R-2	Priority Pollutants	Clean Trowel	Dimethyl phthalate 48
				Butyl Benzyl phthalate 150
				Methylene Chloride 170
				1,1,1 - Trichloroethane 1500
				Benzene 130
				Tetrachloroethylene 4.7
				Toluene 1100
				Total-Xylene 1200

continued . . .

<u>Sample #</u>	<u>Location</u>	<u>Parameter</u>	<u>Sampling Method</u>	<u>Results (ppm)</u>
C-41878	Roll-off R-3	Priority Pollutants	Clean Trowel	Antimony .97
				Arsenic .39
				Cadmium 2.5
				Chromium 310
				Copper 610
				Lead 1900
				Nickel 80
				Selenium .04
				Zinc 340
				Phenol 37
				Dimethylphthalate 33
				Methylene Chloride 19
				1,2 - Dichloropropane 75
C-41879	Roll-off R-4	Priority Pollutants	Clean Trowel	Benzene 28
				Toluene 210
				Ethylbenzene 140
				Total-Xylene 470
				Arsenic .20
				Chromium 9.0
				Copper 48
				Lead 21
				Mercury .80
				Nickel 6.5
				Selenium .04
				Zinc 68
				Dimethylphthalate 21
				Butyl Benzyl phthalate 42
				Methylene Chloride 13
				1,1,1 - Trichloroethane 62
				Tetrachloroethylene 7.4
				Toluene 160
				Ethylbenzene 25
				Total-Xylene 150
				Arsenic .48
				Cadmium 22
				Chromium 120
				Copper 42
				Lead 270
				Nickel 43
				Selenium .04
				Silver 160
				Zinc 530

continued . . .

<u>Sample #</u>	<u>Location</u>	<u>Parameter</u>	<u>Sampling Method</u>	<u>Results (ppm)</u>	
C-41880	Roll-off R-5	Priority Pollutants	Clean Trowel	Methylene Chloride	52
				1,1,1 - Trichloroethane	60
				Tetrachloroethylene	36
				Toluene	19000
				Ethylbenzene	1200
				Total-Xylene	5600
				Chromium	47
				Copper	66
				Lead	72
				Nickel	130
				Selenium	.06
				Silver	3.0
				Zinc	400
C-41881	Roll-off R-6	Priority Pollutants	Clean Trowel	Dimethylphthalate	6.6
				Butyl Benzyl phthalate	48
				Benzene	60
				Toluene	330
				Chromium	8.5
				Copper	3.0
				Total Cyanides	3.0
				Lead	23
				Mercury	.40
				Nickel	3.0
				Selenium	.04
				Silver	.50
				Zinc	180

Section Four

On 11/19/81 samples were taken at the Duane Marine Property of Tanks #11 and #12. The samples were taken by Joe Buttich, Steve Borgianini, and John Tomasiello. The samples were submitted to the ETC Laboratory in Edison, New Jersey, for PCB analysis. The analytical results are as follows:

<u>Sample #</u>	<u>Sample Location</u>	<u>Sample Method</u>	<u>Parameters</u>	<u>Results (ppm)</u>
#11	Vat #12	Peterson Dredge	PCB's	28 (PCB 1232)
#12	Vat #13	Peterson Dredge	PCB's	N.D.

continued . . .

Section Five

Analytical data received from the N.J.S.H.D. of samples taken by Peter Rempe (Moran Crowley Diver). The samples were taken inside of the sewer lines directly under the Duane Marine site. The following is a list of analytical results received:

<u>Sample #</u>	<u>Parameter</u>	<u>Location</u>	<u>Results (ppm)</u>
C-14021	PCB's	Sewer sludge approximately 30 ft. from Washington and Front Streets. Sludge Top	Wet 21.5 (PCB 1248) Dry 65.3
C-14022	PCB's	Sewer approximately 30 ft. from Washington and Front Streets Middle Layer	Wet 3.7 (PCB 1248) Dry 7.0
C-14023	PCB's	Sewer approximately 30 ft. from Washington and Front Streets Bottom Layer	Wet .9 (PCB 1248) Dry .9
C-14024	PCB's	E.L. Beth Manhole Sludge Top Sludge	Wet 3.2 (PCB 1260) Dry 9.0

Section Six

Results from air samples taken from the Duane Marine Corporation during the July 1980 fire. The samples were taken on 7/7/80 by the New Jersey Institute of Technology Air Pollution Research Laboratory.

<u>Sample I.D.</u>	<u>Location</u>	<u>Time</u>	<u>Results (ppb)</u>
A	East of Buildings Near Burning Barrels	1500 hrs.	Chloroform 24 Benzene 180 Carbon Tetrachloride 64 Trichloroethylene 8.5 1,1,2 - Trichloroethane 13 Toluene 1370 1,2 - Dibromoethane .35 Tetrachloroethylene 1.4 Chlorobenzene 8.2 Ethylbenzene 114 M+P-Xylene 240 Styrene 216 O-Xylene 213 1,1,2,2 - Tetrachloroethane .60 Nitrobenzene 114

continued . . .

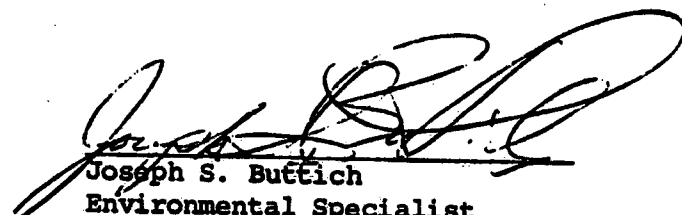
B	Across Washington Street just South of Fire	1500 hrs.	Vinyl Chloride	60
			Chloroform	.90
			Benzene	42
			Carbon Tetrachloride	Trace
			Trichloroethylene	.85
			1,1,2 - Trichloroethane	Trace
			Toluene	150
			1,2 - Dibromoethane	.12
			Tetrachloroethylene	.58
			Chlorobenzene	2.3
			Ethylbenzene	16
			M+P-Xylene	46
			Styrene	34
			O-Xylene	13
C	Inside North Termi- nal of Burned Out Building	1255 hrs.	Chloroform	7.0
			Benzene	500
			Carbon Tetrachloride	1.4
			Trichloroethylene	5.3
			1,1,2 - Trichloroethane	14
			Toluene	110
			Tetrachloroethylene	14
			Chlorobenzene	46
			Ethylbenzene	31
			M+P-Xylene	24
			Styrene	80
			O-Xylene	9.4
D	East of Burned Smoldering Building	1255 hrs.	1,1,2,2 - Tetrachloroethane	.46
			Chloroform	1.8
			Benzene	120
			Carbon Tetrachloride	.64
			Trichloroethylene	1.9
			1,1,2, - Trichlorethane	6.5
			Toluene	33
			Tetrachlorethylene	4.7
			Chlorobenzene	9.1
			Ethylbenzene	5.9
			M+P-Xylene	7.3
			Styrene	7.5
E	Across High Street Southwest of Smoldering Building	1310 hrs.	O-Xylene	2.5
			Chloroform	.34
			Benzene	5.2
			Carbon Tetrachloride	Trace
			Trichloroethylene	.61

continued . . .

<u>Sample I.D.</u>	<u>Location</u>	<u>Time</u>	<u>Results (ppb)</u>
(cont. from E)			
			1,1,2 - Trichloroethane 6.8
			Toluene 9.2
			1,2 - Dibromoethane .06
			Tetrachloroethylene 3.1
			Chlorobenzene 1.1
			Ethylbenzene 2.7
			M+P-Xylene 6.0
			Styrene 2.7
			O-Xylene 1.9
F	Police Station	1345 hrs.	Chloroform .36
	New Brunswick		Benzene 3.3
	South of Burned		Carbon Tetrachloride .15
	Industrial Complex		Trichloroethylene .37
			1,1,2 - Trichloroethane 8.3
			Toluene 5.8
			1,2 - Dibromoethane .07
			Tetrachloroethylene .77
			Chlorobenzene .27
			Ethylbenzene .81
			M+P-Xylene 2.6
			Styrene .74
			O-Xylene .64

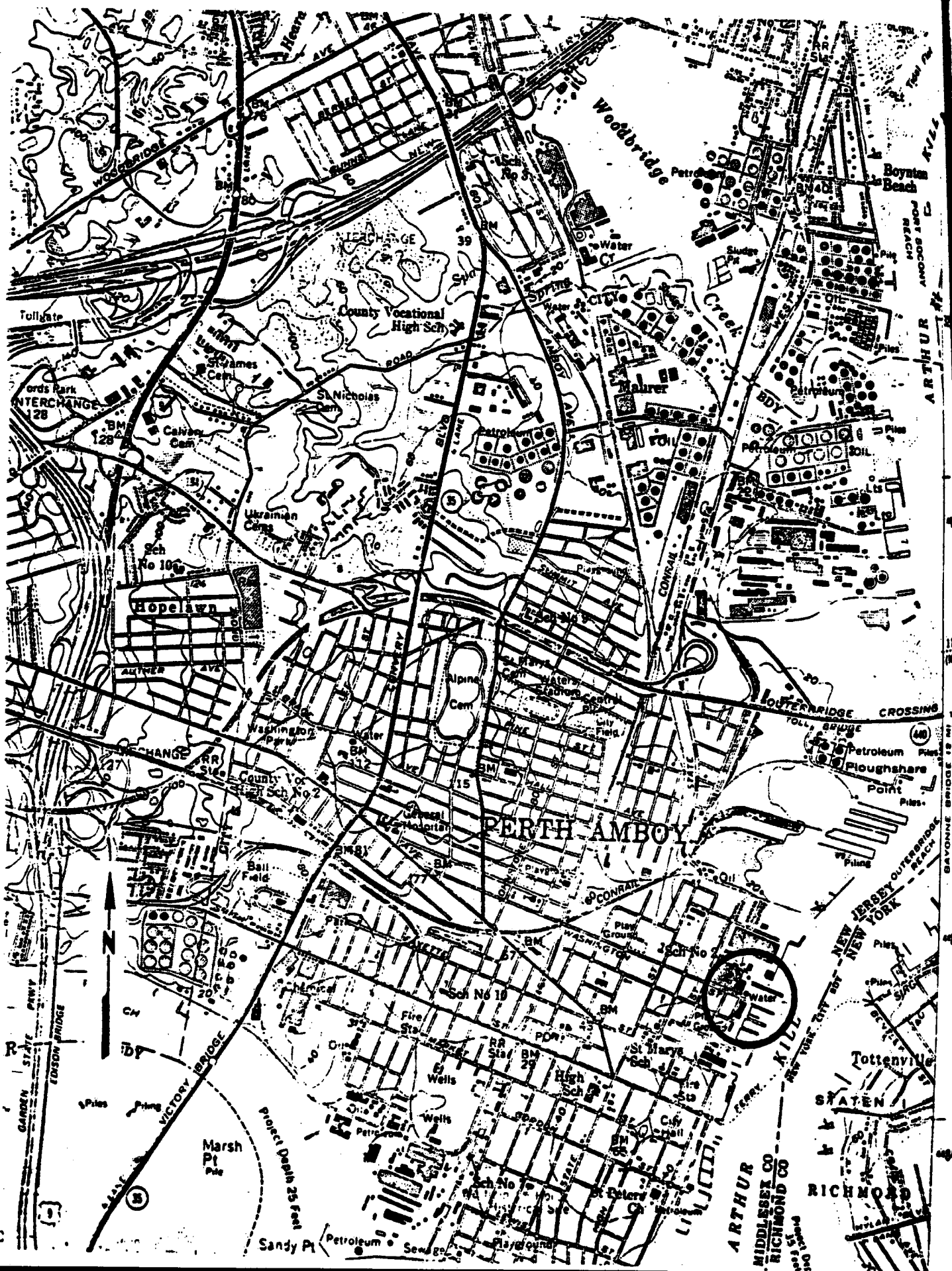
III. Conclusion

All results received by the Bureau of Technical Services from the Duane Marine site are included in this memo.


Joseph S. Buttich
Environmental Specialist
Bureau of Technical Services

• **DUANE MARINE**
PERTH AMBOY CITY
MIDDLESEX CO.

USGS PERTH AMBOY
1:24,000



Site Name

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ANTHONY J. FARRO, Bureau Chief - Bureau of Site Management

EDWIN LIU through GEORGE KING, Section Chief-BSM

8 DEC 1982

DUANE MARINE

On December 2, 1982, Edwin Liu, Steve Borgianini, and Joe Maher, Division of Waste Management, conducted a site inspection at Duane Marine, Perth Amboy.

The site had been inspected numerous times by Edwin Liu and Steve Borgianini prior to this date. The condition of the site has deteriorated considerably since our last inspection, and the conditions listed below were observed in the following areas:

A. Site Security

1. The chain and lock on the gate by Washington Street has been removed by an unknown source.
2. Two window cages on the side of the building adjacent to Washington Street have been torn off the wall by an unknown source.
3. One section of the fence between Duane Marine and E. L. Beth property has been cut. Five or six other sections were cut and removed by an unknown source.
4. Rafts staged behind the dike area by Arthur Kill were removed by an unknown source.

B. Bulk Storage Tanks

1. The chain, lock, and DEF seal were removed from the two 5,000 gallon tanks, No. 7 and No. 8, within the dike area. The interior of the tanks was not inspected to determine whether material had been added or removed due to lack of equipment.
2. Tank No. 8 also showed signs of metal corrosion since there are several holes on the tank. The integrity of the tank is, therefore, questionable.
3. The integrity of the covers on the two white 10,000 gallon vats was questionable.
4. The cover has been removed on the round vat, No. 11, thus allowing rainwater to displace the contents.

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C. Tankers and Trailers

1. A red, 6,000 gallon tanker, No. 5, on the parking area adjacent to the dike area was observed to be leaking on the ground.
2. Covers for the discharge valve on two tankers were removed.

D. Drums

1. Pallets on which drums were resting were deteriorating. Some drums had fallen over and some spillage had also occurred. Material was also observed to be oozing out of some drums.
2. Approximately ten (10) drums had been placed inside the building. Since the integrity of the building was questionable, we did not investigate any further.
3. Since the previous pictures taken at the site could not be located, we cannot confirm the following:
 - a) A trailer containing booms, which was situated by Dumpster No. 5, seems to be missing.
 - b) There seems to be an additional trailer located next to the office trailer containing mostly vermiculite, empty plastic and steel drums. Some drums were pushed out of the trailer on the ground. There were also drums containing oil-soaked debris.

E. Roll-Off Dumpsters

1. All the dumpsters were leaking rainwater and/or material due to rainwater intrusion. Plywood used on top of these dumpsters to retard rainwater intrusion was either removed or warped since all c-clamps used were also removed by an unknown source.
2. The end of Dumpster No. 5 has split open. The material in the dumpster was being held back by the plastic liner. It is only a matter of time before the contents will be discharged on the ground and, subsequently, into Arthur Kill.

Based on the above observations, it is recommended that prompt action be taken to resecure the site and cleanup be undertaken as soon as possible.

HS10:ejr:rr

cc: Kathleen McGill
J. Maher
S. Borgianini
File

Edwin Lieu
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failed to comply with the terms and conditions of the consent order in question. This was true despite numerous applications by DEP to the court to enforce the terms of the consent order.

On July 7, 1980, as you know, there was a fire at the Duane Marine facility which substantially destroyed the operations there. On July 18, 1980 the parties appeared before the court at which time Duane Marine's attorney represented to the court that the company had no interest in continuing operations as a special waste facility on the premises in question. The court ordered Duane Marine to undertake an immediate cleanup of all the remaining drums and rubble at the site. The company failed to comply with this order as well. On July 31, 1981 our office filed an application with the court seeking compliance with the July 18, 1980 court order. The State's application was made returnable in August, however, negotiations followed between counsel for the State and Duane Marine's attorney and the return date of the State's motion was adjourned indefinitely. Needless to say, the negotiations between the parties proved fruitless and Duane Marine has still not complied with previous orders of the court to clean up its property.

Again, in light of the history of this case and DEP's desire to conduct cleanup of the Duane Marine property as soon as possible, it is my opinion that a ten-day directive letter should be sent to the company and its owners and/or operators immediately. Thereafter, a State-funded cleanup should take place, after which we will sue the company and its principals for three times the cost of cleanup.

If for some reason DEP is unable to effectuate a cleanup within the next few months, please let me know so that I can pursue other remedies we might have against Duane Marine.

If you need any further information concerning this matter or require copies of the court papers, let me know.


R.P.H.

RPH/bf

cc: Lawrence E. Stanley, DAG